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FILED

9-3-2008

SEP 3 2008

MB

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ILLINOIS

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

EMANUEL BOLDEN,
Petitioner,

Vs.

UNITED STATES OF AMERICA,
Plaintiff.

Case No. 0-7-C-6641

Notice of Appeal

Notice is hereby given that Emanuel Bolden, Petitioner in the above named case, hereby appeals to the United States Court of Appeals for the Seventh Circuit from the Final Judgment and Order denying the Petitioner's Motion pursuant to 28 U.S.C. § 2255 to Vacate, Set aside, or Correct Sentence by a Person in Federal Custody, from the District Court entered in this action on the 13th day of August, 2008. .

Dated: 08/24/08.

(s) Emanuel Bolden

Emanuel Bolden
Reg. No. 15183-424
Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808

CERTIFICATE OF SERVICE

I, Emanuel Bolden, hereby certify that I have served a true correct copy of the following:

Notice of Appeal

Which is deemed filed at the time it was delivered to prison authorities for forwarding to the court, Houston Vs. Lack, 101 L.Ed. 2d 245 (1988), upon the court and parties to litigation and or his/her Attorney(s) of record, by placing same in a sealed, postage prepaid envelope addressed to:

Rachel Cannon,
Assistant United States Attorney.
219 S. Dearborn Street
Chicago, Illinois 60604

and deposited same in the United States Postal Mail at Federal Correctional Institution, Terre Haute, IN on this date of August 24, 2008.

(s) Emanuel Bolden

Emanuel Bolden
Reg. No. 15183-424
Federal Correctional Institution
P. O. Box 33
Terre Haute, IN 47808

SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 07 cv 6641

PLAINTIFF (Petitioner)

V.

DEFENDANT (Respondent)

USA/appellee	Bolden/appellant
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(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	Rachel M.Cannon	Name	Emanuel Bolden
Firm	AUSA	Firm	pro-se #15183-424
Address	219 S. Dearborn Sutie 500 Chgo.IL. 60604	Address	Terre Haute -FCI P.O. Box 33 Terre Haute, IN 47808
Phone	312) 353-5300	Phone	

Other Information			
District Judge	Norgle	Date Filed in District Court	2/13/08
Court Reporter	M. Pittman X-5576	Date of Judgment	8/14/08
Nature of Suit Code	510	Date of Notice of Appeal	9/3/08

COUNSEL:

Appointed

1

Retained

7

Pro Se

X

FEE STATUS:

Paid

1

Due

11

IFP

X

IFP Pending

11

U.S.

11

Waived

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Has Docketing Statement been filed with the District Court Clerk's Office?

Yes

1

No

X

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted

11

Denied

7

Pending

11

If Certificate of Appealability was granted or denied, date of order:

If defendant is in federal custody, please provide U.S. Marshall number (USM#):



United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6641	DATE	8/13/2008
CASE TITLE	Bolden vs. United States		

DOCKET ENTRY TEXT

Emanuel Bolden's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 is denied.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

On January 22, 2004, a jury convicted movant Emanuel Bolden of being a felon in possession of a firearm. Bolden's criminal history qualified him as an armed career criminal under 18 U.S.C. § 924(e). His sentencing range was therefore 253-293 months pursuant to United States Sentencing Guideline § 4B1.4. The court sentenced Bolden to 293 months imprisonment. Bolden appealed his conviction to the Seventh Circuit, which dismissed the appeal as frivolous. United States v. Bolden, 206 Fed. Appx. 541 (7th Cir. Aug. 17, 2006). Bolden then timely filed the instant motion pursuant to 28 U.S.C. § 2255.

After a careful reading of Bolden's forty-two page rambling, pro se § 2255 motion, the court determines that the core of Bolden's claim is that he was erroneously sentenced as a career offender. It is clear from the record, however, that Bolden was not sentenced as a career offender pursuant to § 4B1.1 of the Guidelines, but rather as an armed career criminal under 18 U.S.C. § 924(e) and Guideline § 4B1.4. There is no question that Bolden's sentence fell within the properly calculated Guidelines range. Bolden, 206 F. Appx. at 542. Bolden's claim is therefore meritless, and his § 2255 Motion is denied.

U.S. DISTRICT COURT
CLERK

2008 AUG 13 PM 4:36

FILED-07

APPEAL, SCHENKIER, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.2.2 (Chicago)
CIVIL DOCKET FOR CASE #: 1:07-cv-06641
Internal Use Only

United States Of America v. Bolden
Assigned to: Honorable Charles R. Norgle, Sr
Cause: 28:2255 Remedies on motion attacking sentence

Date Filed: 02/13/2008
Date Terminated: 08/13/2008
Jury Demand: None
Nature of Suit: 510 Prisoner: Vacate
Sentence
Jurisdiction: U.S. Government
Defendant

Plaintiff**United States Of America**represented by **AUSA**

United States Attorney's Office (NDIL)
219 South Dearborn Street
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(312) 353-5300
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ATTORNEY TO BE NOTICED

Rachel Marie Cannon

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Email: rachel.cannon2@usdoj.gov
ATTORNEY TO BE NOTICED

V.

Defendant**Emanuel Bolden**represented by **Emanuel Bolden**

#15183-424
Terre Haute - FCI
P.O. Box 33
Terre Haute, IN 47808
PRO SE

Date Filed	#	Docket Text
11/26/2007	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (2255) filed by Emanuel Bolden with zero copies. (lcw,) (Entered: 11/28/2007)
11/26/2007	<u>2</u>	CIVIL Cover Sheet.(lcw,) (Entered: 11/28/2007)
11/26/2007	<u>3</u>	APPLICATION by Defendant Emanuel Bolden for leave to proceed in forma pauperis. (lcw,) (Poor quality original. Paper document on file). Modified on 11/28/2007 (ar,). (Entered: 11/28/2007)
11/26/2007	<u>4</u>	POST MARKED envelope for initiating document by plaintiff (document not scanned) (mb,) (Entered: 11/29/2007)
12/31/2007	<u>5</u>	DESIGNATION of Rachel Marie Cannon as U.S. Attorney for Plaintiff United States Of America (Cannon, Rachel) (Entered: 12/31/2007)
02/13/2008	<u>6</u>	MINUTE entry before Judge Charles R. Norgle Sr.: Plaintiff's application to proceed without prepayment of fees and affidavit <u>3</u> is granted. Mailed notice (ar,) (Entered: 02/19/2008)
06/09/2008	<u>7</u>	MINUTE entry before the Honorable Charles R. Norgle, Sr: Status hearing is set for 7/8/2008 at 10:00 A.M. Mailed notice (ewf,) (Entered: 06/09/2008)
06/17/2008	<u>8</u>	MINUTE entry before the Honorable Charles R. Norgle, Sr: Status hearing is rescheduled from 7/8/2008 7/22/2008 at 10:00 A.M. Mailed notice (ewf,) (Entered: 06/17/2008)
07/22/2008	<u>9</u>	MINUTE entry before the Honorable Charles R. Norgle, Sr: Status hearing held on 7/22/2008. Government is given until 8/12/2008 to file its response. Mailed notice (ewf,) (Entered: 07/23/2008)
08/13/2008	<u>10</u>	MINUTE entry before the Honorable Charles R. Norgle, Sr: Emanuel Bolden's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. Section 2255 is denied. (For further detail see minute order.) Civil case terminated. Mailed notice (ar,) (Entered: 08/14/2008)
09/03/2008	<u>11</u>	NOTICE of appeal by Emanuel Bolden regarding orders <u>10</u> (ifp) (dj,) (Entered: 09/04/2008)